

**San Francisco Immigration Court
AILA Question and Answers
For March 30, 2007**

1. Suggestion for San Francisco Immigration Court Website

Would the Immigration Court consider posting more information on its website. Specifically, please comment on whether you will consider posting the following to the website:

- a. Decisions of general interest to the legal community posted on a website on a voluntary basis by the IJ writing the decision (redacting the case name and A# and anything else necessary to ensure privacy.) For example, where there is no Board or Ninth Circuit precedent, why shouldn't the legal community find out what a particular judge's opinion on the matter is?
- b. Any particular rules or guidelines that a particular judge has;
- c. Other matters of general interest to the legal community—e.g., how the pro bono program operates etc.; plans for electronic filing etc.
- d. One member wants to know if the filing requirements for Montgomery Street vs. Sansome Street (filing times and room numbers) will be posted.

For an example of a Federal Court website that has each of these matters—and more—see www.canb.uscourts.gov

This is an excellent suggestion, and we will be expanding the information on the San Francisco Immigration Court portion of the EOIR website. We will take under consideration the various suggestions mentioned above, and look at additional information that may be useful to attorneys and the public.

2. Defenses to removal

After watching the detention master calendar it became apparent that the IJ conducting the proceeding did not inform Pro Per respondent's (and represented respondent's) of rather *obvious* possible defenses to removal, instead allowing them to take removal, even though they were LPR's with substantial time in the U.S. Would EOIR recommend that IJ's be more *proactive* in suggesting to respondent's possible defenses to removal such as:

- a. Expungement of a crime of possession of drugs or paraphernalia (in the Ninth Circuit) where only one such crime is alleged in the NTA (for an LPR or someone otherwise in status with and no evidence of other prior drug offenses). (See *Lujan-Armendariz v. INS*, 222 F.3d 728, 732 (9th Cir. 2000); *Cardenas-Uriarte v. INS*, 227 F.3d 1132 (9th Cir. 2000))
- b. Challenging removability for a criminal ground of deportation or inadmissibility